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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

PHU, SANH D

ART UNIT	PAPER NUMBER
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2682

DATE MAILED: 01/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/073,200

Applicant(s)

HAMBERG, MAX

Examiner

Sanh D Phu

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 04 October 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-133 is/are pending in the application.
- 4a) Of the above claim(s) 2,14,15,26-34,43-50,55-58,62,74,76,78 and 104-133 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3,4,13,16-20,22-25,36,40,51-53,61,63,64,73,77,79,80 and 89-96 is/are rejected.
- 7) ☒ Claim(s) 5-12,21,35,37-39,41,42,54,59,60,65-72,75,81-88 and 97-103 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

### DETAILED ACTION

1. This Office Action is responsive to the Election filed on 10/04/04.

Accordingly, group 1: claims 1, 3-13, 16-25, 35-42, 51-54, 59-61, 63-73, 75, 77 and 79-103 have been selected.

### *Election/Restrictions*

### *Claim Rejections – 35 USC § 112*

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 36, 24, 25 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 36 recites the limitation “the hop count” on line 2. This limitation is lack of antecedent basis.

Claim 24 recites the limitation “said mobile Bluetooth device”. This limitation is lack of antecedent basis.

Claims (if any, depended on above claims) are therefore also rejected.

*Claim Rejections – 35 USC § 102*

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1, 3, 4, 16–20, 22–25, 52, 61, 63, 64, 77, 79, 80 and 90–93 are rejected under 35 U.S.C. 102(e) as being anticipated by Mansikkaniemi et al (2002/0065881).

–Regarding to claim 1, see figures 1–5, and sections [0007–0008], [0022–0026], [0042–0050], Mansikkaniemi et al discloses a system comprising:  
a server (28) (see figure 1) programmed to store electronic tag data (92) constructs in association with a virtual wall data “Family Bulletin Board” (see figure 4) construct stored in the server (see section [0042]);

a short-range wireless access point (22, 24) (see figure 1) connected to the server, the access point located at a place; and

a mobile short-range wireless device (20) (see figure 1) programmed to enable its user to create an electronic tag data (92) (see figure 4) constructed containing an identity of the user (e.g., /Peter) and associated with a multimedia message (including time information, text, pictures), the device programmed to send the electronic tag over a short-range wireless link to the access point (22) (see figure 1) for association with the virtual wall data construct in the server to enable viewing the electronic tag by other users with short-range wireless viewing devices (see section [0007-0008]).

—Regarding to claim 3, Mansikkaniemi et al discloses an editing program in the user's short-range wireless device to enable the user to write text, create an audio record or an image record and append it to the text, to create a multimedia message as the content of an electronic tag (see sections [0046-0049]).

-Regarding to claim 4, Mansikkaniemi et al discloses said editing program incorporating the multimedia message into the electronic tag (92) (see figure 4).

-Regarding to claim 22, Mansikkaniemi et al discloses that said editing program including the user's identity (e.g., /Peter) in the tag (92) or colors used to indicate who sends the tag (see section [0047]).

-Regarding to claims 16-19, Mansikkaniemi et al discloses that said short-range wireless devices (22, 20a, 20b, 20c) are implemented as wireless devices (see figure 1).

-Regarding to claim 20, Mansikkaniemi et al discloses that said multimedia message can be created or modified off line and then stored in the user's mobile device (see section [0039, 0049]).

-Regarding to claim 23, Mansikkaniemi et al discloses that said server is connected to a access point located at a frequent gathering place, (e.g., a vendor place (33) (see figure 1, and section [0032]).

–Regarding to claim 24, said mobile device is programmed to enable the user to create tags that contain multimedia messages (92) that are notes, and the like (see figure 4).

–Regarding to claim 25, Mansikkaniemi et al discloses that said multimedia messages may be previously prepared or spontaneously create (see sections [0039, 0049]).

–Regarding to claim 52, Mansikkaniemi et al discloses that said mobile device automatically transfers a tag to the server when they are within communications range (see section {0007, 0022–0026}).

–Regarding to claim 61, see figures 1–5, and sections [0007–0008], [0022–0026], [0042–0050], Mansikkaniemi et al discloses a method comprising:

step (28) (see figure 1) of storing electronic tag data constructs in association with a virtual wall data construct stored in a server (28) connected to a short-range wireless access point (22, 24) located at a place;

step (28) of receiving an electronic tag data construct containing an identity of the user (e.g., /peter) (see figure 4) and associated with a multimedia

message (92) (see figure 4) from a mobile short-range wireless device programmed to enable its user to create the electronic tag (see section [0042, 0049]); and

step (28) of associating the received electronic tag data construct with the virtual wall data construct in the server to enable viewing the electronic tag by other users with short-range wireless viewing devices (see figure 4 and section [0042-0048).

-Claim 63 is rejected with similar reasons set forth for claim 3.

-Claim 64 is rejected with similar reasons set forth for claim 4.

-Regarding to claim 77, see figures 1-5, and sections [0007-0008], [0022-0026], [0042-0050], Mansikkaniemi et al discloses a system (see figure 2) comprising:

processor (78); and

a memory (inherently included) coupled to the processor (see figure 5), programmed to enable creating an electronic tag data (92) (see figure 4) construct containing an identity (e.g., /peter) of a user and associated with a multimedia message (date, time, texts, pictures), the memory further



programmed to send the electronic tag over a short-range wireless link to an access point (22, 24) (see figure 1) for association with a virtual wall data (Family Bulletin Board) constructed in a server (28) (see figure 11) to enable viewing the electronic tag by other users with short-range wireless viewing devices.

-Claim 79 is rejected with similar reasons set forth for claim 3.

-Claim 80 is rejected with similar reasons set forth for claim 4.

-Claims 90-93 are rejected with similar reasons set forth for claims 16-

19.

### ***Claim Rejections – 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 13, 40, 73, 77 and 89 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mansikkaniemi et al, in view of Kinnunen et al (2001/0021649).

–Regarding to claim 13, Mansikkaniemi et al discloses a telephone circuit in the user's mobile short-range wireless device (see section [0005]). He does not disclose said telephone circuit is capable of sending multimedia messages, to forward content of the multimedia message over a telephone infrastructure network to other telephones.

Kinnunen et al discloses a telephone circuit is capable of sending multimedia messages, to forward content of the multimedia message over a telephone infrastructure network to other telephones.

It would have been obvious for a person skilled in the art to implement the telephone circuit in Mansikkaniemi et al to have a feature of being capable of sending multimedia messages, to forward content of the multimedia message over a telephone infrastructure network to other telephones, as taught by Kinnunen et al, so that Mansikkaniemi et al system in view of Kinnunen et al would be enhanced to have more capabilities of wirelessly

sending multimedia messages, without affecting the overall system performance.

–Claims 40, 73, 77 and 89 are rejected with similar reasons set forth for claim 13.

8. Claims 51, 53 and 94–96 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mansikkaniemi et al, in view of Brownnigg et al (6,044,062).

–Regarding to claim 51, Mansikkaniemi et al does not disclose said mobile device automatically transferring a tag to another mobile device when they are within communications range.

Brownnigg et al teaches mobile device (18C) automatically transferring a tag to another mobile device (18D) when they are within communications range to have said another mobile device relay said tag sent from said mobile device to a server (16) when said mobile device is out of communication range with said server (see figure 1 and col. 8, lines 58–64).

It would have been obvious for a person skilled in the art to implement said mobile device (20) in Mansikkaniemi et al (see figure 1) to automatically

transferring a tag to another mobile device when they are within communications range to have said another mobile device relay said tag sent from said mobile device to a server (22, 24) when said mobile device is out of communication range with said server, as taught by Brownnigg et al, so that Mansikkaniemi et al system in view of Brownnigg et al would be additionally enhanced with a capability of indirectly transmitting tag to the server (28) through another mobile device when said mobile device is out of communication range with said server, without affecting the overall system performance.

–Claim 53 is rejected with similar reasons set forth for claim 51.

–Regarding to claim 94, see figures 1–5, and sections [0007–0008], [0022–0026], [0042–0050], Mansikkaniemi et al discloses a method comprising:

step (20) (see figure 1) of generating a tag signal in a mobile device for transmission in a first communication range in a network to a server (28) ;

step (20) of generating a signal in said tag signal (92) , including an identity of a user (e.g., /peter) (see figures 4 and 5);

step (20) of generating a multimedia message signal (e.g., date, time, texts, pictures) in said tag signal; and

step (20) or sending said short-range wireless tag signal in said wireless network.

Mansikkaniemi et al does not disclose step of extracting said multimedia message signal from said tag signal to enable sending said multimedia message signal in a second communication range wireless.

Brownnigg et al teaches a second mobile device (18D) extracting a message signal from a tag signal sent from a first mobile device (18C) in a first communication range (34) to enable sending said message signal in a second communication range wireless (32) to a server (16) (see figure 1, and col. 7, line 52 to col. 8, line 64).

It would have been obvious for a person skilled in the art to implement Mansikkaniemi et al step of extracting, by another mobile device, said multimedia message signal from said tag signal, being sent by said mobile device in a first communication range, to enable sending said multimedia message signal in a second communication range wireless to the server (28) so

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that Mansikkaniemi et al system in view of Brownigg et al would be additionally enhanced with a capability of indirectly transmitting tag to the server (28) through another mobile device when said mobile device is out of communication range with said server, without affecting the overall system performance.

-Claim 95 is rejected with similar reasons set forth for claim 1.

-Claim 96 is rejected with similar reasons set forth for claim 3.

***Allowable Subject Matter***

9. Claims 5-12, 21, 35, 37-39, 41, 42, 54, 59, 60, 65-72, 81-88 and 97-103 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

10. Claim 36 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

***Conclusion***


4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sanh D Phu whose telephone number is (703) 305-8635. The examiner can normally be reached on 8:00-16:30.

The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-8635.

Sanh D. Phu  
Examiner  
Art Unit 2682

SP

  
LEE NGUYEN  
PRIMARY EXAMINER